

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:)	CASE NO: 10-80713
MARK J. WHETSTONE,)	
KARIL A. WHETSTONE, Debtors.)	
)	CHAPTER 13
)	
)	

MOTION TO APPROVE SETTLEMENT

COME NOW the Debtors, Mark & Karil Whetstone, by and through their attorney, Wesley H. Bain, and move the Court for an Order to Approve the Settlement between Debtor and a Confidential Pharmaceutical Aggregate Settlement. In support, the Debtors state as follows:

1. The Debtor was involved in a personal injury claim that resulted in an Aggregate Pharmaceutical Claim in 2010 . The Debtor suffered a stroke on September 1, 2008 which was the result from taking Avandamet tablets for DM type II. The Debtors' updated their Schedule "B" and "C" to reflect this claim and its exemption. The Debtor retained Joseph P. Simon, LLC and Matthews & Associates as his attorney to settle any and all claims for all damages arising from the personal injury claim
2. The Debtor settled his Pharmaceutical Aggregate Settlement claim in the amount of \$8,203.42 (see attached Settlement Statement).
3. Debtor's attorney, Clark, Burnett, Love & Lee, G.P., will be entitled to compensation in the amount of \$3,281.37 and reimbursement of costs in the amount of \$1,589.51. The remaining proceeds from the settlement after expenses and/or liens due from client funds in the amount of \$1,980.51 will be turned over to Mark J. Whetstone in the net amount of \$2,121.20.
4. Any residual funds that may become available at the conclusion of the settlement fund will also be turned over to the Debtor.

WHEREFORE, Debtors move the Court for an Order approving the Settlement in the amount of \$8,203.42 and for such other relief as may be proper.

DATED: June 20, 2014

Mark J. Whetstone,
Karil A. Whetstone, Debtors

By: /s/ Wesley H. Bain

Wesley H. Bain, #23620
2580 S. 90th Street
Omaha, NE 68124
402-933-8600
402-934-2848 Facsimile
Attorney for Debtors

**THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:

MARK J. WHETSTONE,
KARIL A. WHETSTONE,

DEBTORS.

CASE NO: 10-80713

CHAPTER 13

NOTICE SETTING RESISTANCE DEADLINE

PURSUANT TO Neb. R. Bankr. P. 9013, You are notified as follows:

1. Wesley H. Bain, attorney for the above captioned debtor, has filed a Motion to Approve Settlement.
2. The last day to file a resistance to the Motion is July 11, 2014. The Resistance must be served on Debtors' counsel.
3. If the resistance period expires without the filing of any resistance, and declaration, the Court will consider entering an order granting the relief sought without further notice or hearing.

DATED: June 20, 2014

Mark J. Whetstone,
Karil A. Whetstone, Debtors.

By: /s/ Wesley H. Bain

Wesley H. Bain, #23620
2580 South 90th Street
Omaha, NE 68124
(402) 933-8600
Facsimile 934-2848
Attorney for Debtors.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing MOTION TO APPROVE SETTLEMENT AND NOTICE SETTING RESISTANCE DEADLINE was served upon the below listed parties, via CM/ECF June 20, 2014.

U.S. Trustee's Office (ECF)

Kathleen A. Laughlin (ECF)
Chapter 13 Trustee

The following have been provided service via U.S. Mail, first class, on June 20, 2014:

See Attached Exhibit "A"

/s/ Wesley H. Bain

CLARK, LOVE & HUTSON, GP (fka Clark, Burnett, Love & Lee, GP)
SETTLEMENT STATEMENT
April 29, 2014
Mark Whetstone

GROSS SETTLEMENT AWARD		\$	8,203.42
TOTAL GROSS SETTLEMENT AWARD		\$	8,203.42
GROSS ATTORNEYS' FEES (40% of Total Gross Settlement Award)	\$	3,281.37	
Less Attorney Fee Reduction to Guarantee Client 50% of Total Settlement Award		(769.17)	
Total Attorney Fees		2,512.20	(2,512.20)
LESS CASE EXPENSES			
Common Expenses (pro rata share)		30.90	
Matthews & Associates		717.35	
Clark, Love & Hutson, GP		841.26	
Total Case Expenses		1,589.51	(1,589.51)
SETTLEMENT AWARD TO CLIENT		\$	4,101.71
LESS EXPENSES AND/OR LIENS DUE FROM CLIENT FUNDS			
Bankruptcy Fees		750.00	
Private Insurance		1,230.51	
		1,980.51	(1,980.51)
AMOUNT DUE TO CLIENT		\$	2,121.20

SETTLEMENT STATEMENT ACKNOWLEDGEMENT

I have reviewed the Settlement Statement, and I fully understand it, and I agree to the terms and conditions of this settlement, including without limitation, the Gross Settlement Award and the "Settlement Award Balance." For all matters encompassed in the Settlement Statement, I have had the opportunity to ask my attorneys questions regarding these matters, and I have had the opportunity to discuss these matters with independent counsel.

Attorney Fees and Expenses

I agree and consent to the division of attorneys' fees, the common and case expenses, and the other deductions set out in the Settlement Statement.

A detailed expense breakdown has been made available to me, and I have been given the opportunity to review the backup documentation for the expenses contained in the detailed expense breakdown. I agree to the expenses contained in the detailed expense breakdown, and I agree that those expenses are reasonable and may be deducted by my attorneys from the Gross Settlement Award and are consistent with the terms of my attorney-client contract.

Extraordinary Injury Fund ("EIF")

I understand that a portion of the Aggregate Settlement Fund will be used to fund an Extraordinary Injury Fund ("EIF") to compensate certain claimants with continuing or catastrophic injuries or claimants with other extenuating circumstances as explained in the Special Master Process Letter. Settlement funds remaining in the EIF at the conclusion of the settlement administration will be redistributed pro rata to all settling claimants, less attorneys' fees, any expenses/costs incurred with the administration of the EIF, and less expenses incurred to finalize my settlement. I understand that additional expenses will be incurred by my attorneys during the course of finalizing and administering the settlement process, and I agree that any such expenses incurred on my behalf may be deducted from my pro rata share of any remaining EIF funds following the conclusion of the settlement administration.

Taxation or Financial Planning

By my signature below, I acknowledge that my attorneys have not provided me any investment advice or opinions regarding the taxability of the proceeds received from this settlement. I understand that I should contact my own CPA, tax preparer, or other independent tax advisor to make sure that my tax return appropriately reflects my individual situation.

My attorneys DO NOT represent me for taxation or financial planning purposes and are not able to provide any advice to me concerning those topics, including structured settlements or the advisability of purchasing annuities with my settlement funds. I understand that if I am required by the Court to structure or invest some or all of the settlement monies, that it is critical that I contact an expert in structured settlements and work with him/her BEFORE the receipt of any portion of my Gross Settlement Award.

Eligibility of Benefits

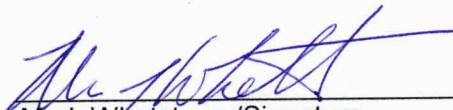
I acknowledge that the receipt of settlement monies may affect my temporary or permanent eligibility for certain government benefits. I understand that my attorneys ARE NOT experts in this area and that I must contact PROMPTLY other attorneys or other professionals who are experts in government benefits for advice on how to protect my benefits in light of my settlement. I acknowledge that in order to best protect my government benefits that it may be critical that I work with these professionals BEFORE the receipt of any portion of my Gross Settlement Award.

Medical and/or Financial Liens

If there are any Medicare, Medicaid, third party medical, and/or financial liens that I know about or should know about and have not informed my attorneys, I understand that I should inform my attorneys of those liens before I accept any portion of my Gross Settlement Award, and that I will be responsible to the lienholder or insurance company for the repayment of those monies. I understand that it may be necessary for those reimbursements to be made BEFORE I am able to receive my settlement money. I understand that the only claimants to these proceeds that will be paid by my attorneys are those that are specifically itemized as described on this Settlement Statement. If I want my attorneys to undertake to resolve any such claims on my behalf, I understand that I have an affirmative duty to inform them in writing of these wishes prior to accepting any portion of my Gross Settlement Award. After disbursement of the settlement funds, I understand that I will be solely responsible for any and all unpaid liens or claims made against these settlement proceeds.

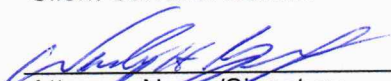
Conclusion

I have carefully reviewed the Settlement Statement. I warrant and represent that I have full legal authority to execute this document and in all respects approve the disbursements and the way in which my case was handled. I have received a copy of this document, it has been fully explained to me, I have fully read it, and fully understand it and agree with its contents. I request my attorneys to distribute the settlement funds as set forth in this Settlement Statement.


Mark Whetstone /Signature

6-17-14
Date

9105 NINA ST OMAHA NE 68124
Client Current Address


Attorney Name/Signature

6/18/14
Date

UNITED STATES BANKRUPTCY COURT
District of Nebraska (Omaha Office)

IN RE:

Mark J. Whetstone

Karil A. Whetstone

Debtors.

: Case No. 10-80713
: Chapter 13

:

: **ORDER APPROVING
RETENTION OF SPECIAL
COUNSEL AND ITS FEES**

The Court having considered the foregoing Application of the Debtor to Employ an Attorney and the Affidavit of Attorney, and it appearing that Clark, Burnett, Love & Lee, G.P. ("CBLL") is a disinterested firm and that the employment of said firm generally by the Debtor is in the best interest of this estate based on the work CBLL has previously provided and currently provides on behalf of the Debtor, following the contingent fee agreement executed by the Debtor as part of a Pharmaceutical litigation matter, it is hereby

ORDERED that Debtor is authorized to retain CBLL, generally, to represent the Debtor's interests in a non-bankruptcy civil action. The net settlement proceeds are to be distributed to the Trustee for administration through the Debtor's estate.

IT IS SO ORDERED.

Accounts Receivable Mg
155 Mid Atlantic Parkway
Thorofare, NJ 08086

AFNI, Inc.
404 Brock Drive
PO Box 3427
Bloomington, IL 61702-3427

Alegent Health
Midlands Community Hospital
6520 Sorensen Parkway
Omaha, NE 68152-2138

Anesthesia West, PC
7822 Davenport Street
Omaha, NE 68114-3629

Asset Management Professionals, LLC
P.O. Box 2824
Woodstock, GA 30188

AT T Wireless
P O Box 8220
Aurora, IL 60572-8220

Atlantic Crd
P O Box 13386
Roanoke, VA 24033

Beneficial/HSBC
PO Box 5263
Carol Stream, IL 60197

Capital Management Services, LP
726 Exchange Street, Suite 700
Buffalo, NY 14210

Carlos A Monzon
1111 Lincoln Mall, Suite 300
Lincoln, NE 68508

Central Credit Flagsta
8433 N Black Canyon Hwy
Phoenix, AZ 85021

Christopher K Loftus
6681 Country Club Dr.
Minneapolis, MN 55427

Creighton Medical Associates
PO Box 30063
Omaha, NE 68103

Critical Care Associates
900 S. 74th Plaza, Ste. 108
Omaha, NE 68114

Dennis P. Lee, Attorney
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Omaha, NE 68145

Douglas County Attorney
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Omaha, NE 68183

Douglas County Treasurer
HO3 Civic Center
1819 Farnam Street
Omaha, NE 68183-0003

East Bay Funding
c/o Resurgent Capital Services
PO Box 288
Greenville, SC 29603

Empi, Inc
P.O. Box 71519
Chicago, IL 60694-1519

FCNB
Master Trust
1620 Dodge St. Stop Code 3105
Omaha, NE 68197

FCNB/MASTERTRUST
PO BOX 34 12
Omaha, NE 68197

First Financial Portfolio Mgmt Inc.
c/o Jefferson Capital Systems LLC
PO Box 7999
Saint Cloud, MN 56302-9617

General Service Bureau, Inc.
8429 Blondo Street
Omaha, NE 68134-6200

Goldner Cooper Cotton Sundell Frankel
8901 West Dodge Rd Ste 210
Omaha, NE 68114

H R Accounts Inc
Po Box 672
Moline, IL 61265

H R Accounts, Inc.
PO Box 672
Moline, IL 61266

Hauge Associates, Inc.
PO Box 88610
2320 W. 49th Street
Sioux Falls, SD 57105

Hsbc/rs
Attn: Bankruptcy
Po Box 5263
Carol Stream, IL 60197

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Jefferson Capital Systems LLC
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Saint Cloud, MN 56302-9617

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MARK MILONE, MD, PC
PO Box 4892
Omaha, NE 68104-3492

Medco Health Solutions, Inc.
5701 East Hillsborough Ave. Ste 1300
Tampa, FL 33610

Medicredit Corp
3620 I 70 Dr Se Ste C
Columbia, MO 65201

Merchant Credit Adjusters, Inc.
17055 Frances St, Ste 100
Omaha, NE 68130

Merchants Credit Adjust
17055 Frances St, Ste 100
Omaha, NE 68130

Merchants Credit Adjust
17055 Frances St, Ste 100
Omaha, NE 68106

Methodist Physicians Clinic
PO Box 3755
Omaha, NE 68103

MIDWEST GASTROINTESTINAL ASSOC.PC
8021 CASS STREET
Omaha, NE 68114-3525

Midwest Pulmonary Critical Care
PO Box 31565
Omaha, NE 68132

Nebraska Cardiac Care PC
PO Box 24223
Omaha, NE 68124-0223

Nebraska Heart Institute PC
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Lincoln, NE 68501-2585

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Harrisburg, PA 17104

Penn Credit Corporation
PO Box 988
Harrisburg, PA 17108-0988

Pinnacle Financial Gro
7825 Washington Ave S St
Minneapolis, MN 55439

PRA Funding, LLC
aka Portfolio Recovery Associates
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Norfolk, VA 23541

Professional Anesthesia Services LLP
PO Box 2179
Omaha, NE 68103-2179

Professional Choice Recovery, Inc.
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West Chester, PA 19380-4262

Radiology Consultants, PC
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Rochester, MN 55903

The Bridge System
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West Des Moines, IA 50266-1902

The Nebraska Medical Center
Patient Financial Services
988140 Nebraska Medical Center
Omaha, NE 68198-8140

The Urology Center
111 South 90th Street
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Tri-Star Management LLC
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Seattle, WA 98111-9221